

ROB BONTA, State Bar No. 202668
Attorney General of California
MYUNG J. PARK, State Bar No. 210866
Supervising Deputy Attorney General
BENJAMIN P. LEMPERT, State Bar No. 344239
DAVID M. MEEKER, State Bar No. 273814
JONATHAN A. WIENER, State Bar No. 265006
M. ELAINE MECKENSTOCK, State Bar No. 268861
Deputy Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550
Telephone: (510) 879-0299
Fax: (510) 622-2270
E-mail: Elaine.Meckenstock@doj.ca.gov
Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

**SPECIALTY EQUIPMENT MARKET
ASSOCIATION & PERFORMANCE
RACING, INC.; NATIONAL TRUCK
EQUIPMENT ASSOCIATION,**

Plaintiffs,

v.

**CALIFORNIA AIR RESOURCES
BOARD; STEVEN S. CLIFF, in his official
capacity; ROBERT A. BONTA, in his
official capacity; and DOES 1 through 25,**

Defendants.

2:24-cv-02771- TLN-AC

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND BRIEFING
SCHEDULE FOR DEFENDANTS'
MOTION TO DISMISS**

Courtroom: 2, 15th Floor
Judge: Hon. Troy L. Nunley
Trial Date: Not Set
Action Filed: October 8, 2024

Under Local Rule 144, Plaintiffs Specialty Equipment Market Association & Performance Racing, Inc. and National Truck Equipment Association (collectively, Plaintiffs) and Defendants California Air Resources Board (CARB), Steven S. Cliff, in his official capacity, and Robert A. Bonta, in his official capacity, (collectively, Defendants) hereby stipulate to extend the deadline for Defendants to file a response to Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 (Complaint) and to extend the briefing schedule for any motion(s) to dismiss Defendants may file, as follows:

1. Plaintiffs filed the Complaint in this action on October 8, 2024.

2. Defendants waived service, making their responsive pleadings due December 9, 2024. ECF No. 4.

3. The parties previously sought and obtained an extension of time for Defendants' response to the Complaint and for briefing on Defendants' anticipated motion(s) to dismiss. By stipulation and order, this Court set a January 31, 2025 deadline for Defendants to respond to the Complaint. ECF 12. In the event Defendants moved to dismiss the Complaint, the Court also set March 14, 2025 as the deadline for Plaintiffs' opposition(s) and April 11, 2025 as the deadline for Defendants' reply/replies. *Id.*

4. Plaintiffs' Complaint targets a regulation adopted by CARB and referred to as Advanced Clean Fleets (ACF).

5. CARB had requested that the United States Environmental Protection Agency (EPA) waive Clean Air Act preemption for parts of ACF but has since withdrawn that request.

6. The parties are discussing the implications of the withdrawn waiver request for this litigation and believe it would be more efficient to continue those conversations than to proceed immediately with Defendants' responses to the Complaint and possible briefing on one or more motions to dismiss.

7. The parties therefore stipulate that the deadline for Defendants' responsive pleadings be extended to April 1, 2025 to provide the parties with more time for their ongoing discussions.

1 8. The parties also stipulate that if Defendants file one or more motions to dismiss on or
2 before April 1, 2025, Plaintiffs' opposition(s) would be due May 13, 2025; and Defendants'
3 reply/replies would be due June 10, 2025.

4 Dated: January 21, 2025

Respectfully submitted,

5 ROB BONTA
6 Attorney General of California
7 MYUNG J. PARK
8 Supervising Deputy Attorney General

9 /s/ M. Elaine Meckenstock
10 M. ELAINE MECKENSTOCK
11 Deputy Attorney General
12 *Attorneys for Defendants*

11 Dated: January 21, 2025

SIDLEY AUSTIN LLP

12 /s/ Caleb J. Bowers
13 Caleb J. Bowers
14 Attorney for Plaintiffs
15 SPECIALTY EQUIPMENT MARKET
16 ASSOCIATION & PERFORMANCE
17 RACING, INC.; NATIONAL TRUCK
18 EQUIPMENT ASSOCIATION
19 (as authorized on January 21, 2025)
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[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, and for good cause shown, the time for Defendants California Air Resources Board; Steven S. Cliff, in his official capacity; and Robert A. Bonta, in his official capacity, to respond to Plaintiffs' Complaint, ECF No. 1, is hereby extended from January 31, 2025 to April 1, 2025. Should Defendants move to dismiss on or before that date, Plaintiffs deadline to oppose any such motion(s) is May 13, 2025; and Defendants deadline to reply is June 10, 2025.

IT IS SO ORDERED.

Dated: _____

HON. TROY L. NUNLEY
UNITED STATES DISTRICT JUDGE